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MEETING
STATE OF CALIFORNIA
INTEGRATED WASTE MANAGEMENT BOARD
PERMITTING AND ENFORCEMENT COMMITTEE

JOE SERNA, JR., CALEPA BUILDING
1001 I STREET
2ND FLOOR
COASTAL HEARING ROOM
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KATHRYN S. KENYON, CSR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 13061

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

APPEARANCES

COMMITTEE MEMBERS

Ms. Rosalie Mulé, Chairperson

Ms. Cheryl Peace

ALSO PRESENT

Ms. Pat Wiggins, Former Assemblywoman

STAFF

Mr. Mark Leary, Executive Director

Ms. Julie Nauman, Chief Deputy Director

Mr. Elliott Block, Acting Chief Counsel

Mr. Howard Levenson, Deputy Director

Mr. John Bell

Mr. Michael Bledsoe, Staff Counsel

Ms. Suzanne Hambleton, Supervisor, Permitting & Inspection
Branch, Southern Section

Ms. Sue O'Leary, Supervisor, Permitting & Inspection
Branch, North Central Section

Mr. Jon Whitehill

ALSO PRESENT

Ms. Pamela Raptis, San Diego County Local Enforcement
Agency

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1 PROCEEDINGS

2 CHAIRPERSON MULÉ: Good morning, everyone.

3 Welcome to the January 9th meeting of the Permitting and
4 Enforcement Committee. I first want to wish everyone a
5 happy New Year.

6 There are agendas on the back table, and if anyone
7 would like to speak to an item, you can fill out a slip
8 and bring it up to Donnell and then you will have an
9 opportunity to address the Committee.

10 And I would like to welcome our newest member to
11 our Board, Assemblywoman Pat Wiggins. Welcome.

12 FORMER ASSEMBLYWOMAN WIGGINS: Thank you.

13 CHAIRPERSON MULÉ: We're very excited to have
14 you --

15 FORMER ASSEMBLYWOMAN WIGGINS: Former
16 assemblywoman.

17 CHAIRPERSON MULÉ: Former Assemblywoman Pat
18 Wiggins. We are very excited to have you here and joining
19 us on the Board, and my understanding is you will be
20 sitting in on all our meetings.

21 FORMER ASSEMBLYWOMAN WIGGINS: Yes.

22 CHAIRPERSON MULÉ: Good. Would you like to say
23 anything to the audience?

24 FORMER ASSEMBLYWOMAN WIGGINS: I'm very pleased to
25 be here.

1 CHAIRPERSON MULÉ: Okay. Thank you.

2 Also would you please turn off your cell phones
3 and pagers or put them in the silent mode.

4 Donnell, would you please call the roll.

5 SECREATARY DUCLO: Members Peace?

6 COMMITTEE MEMBER PEACE: Here.

7 SECRETARY DUCLO: Mulé?

8 CHAIRPERSON MULÉ: Here.

9 Okay. How about ex partes?

10 COMMITTEE MEMBER PEACE: I'm up to date.

11 CHAIRPERSON MULÉ: And I am up to date. And let's
12 proceed.

13 Mr. Levenson, would you give us your Deputy
14 Director's Report.

15 DEPUTY DIRECTOR LEVENSON: Thank you, Madam Chair,
16 and good morning, Board Members and Assemblywoman Wiggins.
17 On behalf of staff, let me welcome you to the Board, and
18 we look forward to working with you and providing you with
19 whatever information you need to help you on the job.

20 I have a couple of items to report to you today.
21 One is regarding the Filbin appeal that was scheduled for
22 a hearing panel this afternoon at 1:30. Let me give you
23 just a little update on that. As you know, we did have
24 the hearing panel scheduled to hear an appeal of the
25 Enforcement Order that had been issued by the Waste Board

1 in our role as Enforcement Agency for San Luis Obispo
2 County. We issued a Notice and Order on
3 September 30th requiring Mr. Filbin, who's the property
4 owner, to immediately cease and desist acceptance of Type
5 A inert debris and to begin processing the stockpiles of
6 debris on the site by November 15th.

7 In early November we received a letter from
8 Mr. Filbin appealing the Notice and Order. The hearing
9 was originally scheduled for December 5th. It was
10 continued to today.

11 Last week we were informed through his attorney
12 that Mr. Filbin has agreed to waive the Stay of
13 Enforcement of the Notice and Order and that the Waste
14 Board inspectors may inspect the site under certain
15 conditions, including 24-hour notice. This means that
16 Mr. Filbin should begin processing the Type A inert debris
17 on the site and remove it within 18 months from initiating
18 that process. And he will be providing reports to the
19 Waste Board, as stated in the Notice and Order. In
20 exchange, the hearing before the hearing panel has been
21 continued for another 90 days.

22 If Mr. Filbin violates the Notice and Order, we
23 can take appropriate enforcement action which may involve
24 an additional Notice and additional hearings, so we will
25 keep you apprised on that. I know our staff will be down

1 there and we will be talking about the next steps in terms
2 of making sure that he is complying with the Notice and
3 Order. That in itself was an unusual case that would have
4 been in our first hearing panel as the Board, in its role
5 as Enforcement Agency -- or responding to a Notice that we
6 issued as Enforcement Agency.

7 We also have another appeal that has now come to
8 our attention. This is regarding Sunshine Canyon Landfill
9 in Los Angeles. On December 30th, we received notice that
10 the North Valley Coalition has appealed to the Board the
11 L.A. County LEA's decision that allows the use of certain
12 materials as alternative daily cover at Sunshine Canyon
13 Landfill.

14 Our statutes require that the Board decide whether
15 to hear the appeal within 30 days from receiving the
16 request for the hearing. The Board would determine not to
17 hear the appeal only if it finds that North Valley
18 Coalition failed to raise substantial issues in its
19 appeal. Our statutes also require that the Board hold the
20 hearing, if it decides to have it, within 60 days of
21 receiving the appellant's request for a hearing. So that
22 means we have two steps. Decide whether to have the
23 hearing, and then go ahead and hold the hearing.

24 Rather than have two separate hearings in two
25 separate months, our preference is to have both hearings

1 at the same time at which both matters would be addressed.
2 Under this scenario, the Board would make its
3 determination regarding whether to have the hearing, and
4 assuming it determines to hear the appeal, it would
5 proceed immediately to its hearing on the appeal. This
6 would save the parties from having to make two trips to
7 Sacramento in two separate months. So our legal counsel
8 is consulting with the parties, and we tentatively have
9 set the hearing, the two steps, for February 14th, the day
10 of the Board meeting next month.

11 COMMITTEE MEMBER PEACE: And Howard, was this only
12 going over the question of what materials they could use
13 as ADC?

14 DEPUTY DIRECTOR LEVENSON: That's correct.
15 Whether the LEA made a correct determination as to what
16 was allowed regarding ADC.

17 COMMITTEE MEMBER PEACE: I guess we will be
18 getting more information on this later?

19 DEPUTY DIRECTOR LEVENSON: I'm sorry.

20 COMMITTEE MEMBER PEACE: We will be getting more
21 information on that later?

22 DEPUTY DIRECTOR LEVENSON: Yes. We will be giving
23 full details to you in preparation for that hearing, and
24 we are working with legal counsel in terms of how to
25 agendize that and so forth.

1 Lastly, I just want to mention upcoming
2 activities, as I always do. Next week on the 18th we have
3 our first Landfill Gas to Hydrogen Workshop beginning at
4 8:30. This is kind of an exploration of the possibilities
5 of using landfill gas in various hydrogen-related
6 applications. This is pursuant to our Interagency
7 Agreement with UC Davis to further explore hydrogen
8 production in landfill gas.

9 On the 23rd we have a working group meeting. It's
10 not a full-fledged workshop, but it's a workshop/working
11 group meeting on post-closure maintenance liability issues
12 and how is post-closure maintenance liability to be
13 covered financially until the waste no longer poses a
14 threat. This is the, what I call, post-30-year issue of
15 how do we assure that maintenance will be continued at
16 these landfills after the first 30 years of post-closure
17 maintenance.

18 We will be discussing a number of potential
19 financial assurance demonstrations including annuities,
20 pool funds, and combinations and mechanisms. And our
21 intent after that workshop is then to put this material
22 together and bring it back to the Committee for some
23 policy discussion and further direction.

24 Lastly, we have two symposia in February on the
25 post-closure land use issue. This is more in terms of how

1 to -- what's the legalities and the economics and
2 technical issues associated with development projects on
3 closed landfills. This is a topic that's of great
4 interest to a lot of people around the state. We really
5 haven't done anything on this issue since the early 1990s,
6 but Don Dier is putting together these two symposia, and I
7 think we will have -- it will be a great step forward and
8 there will be a lot of information available, and we will
9 have regulators, technical folks, Planning Department
10 representatives, developers, and other regulators. So I
11 am looking forward to these two symposia. The dates are
12 February 15th, 16th in Ontario, and February 28th and
13 March 1st in Stockton.

14 And that is all I have for my Deputy's report. I
15 would be happy to answer any questions.

16 CHAIRPERSON MULÉ: Any questions?

17 Thank you, Howard.

18 Okay. Let's proceed with our first item. It's
19 Committee Item B, Board Item 4. Howard.

20 DEPUTY DIRECTOR LEVENSON: Okay. We have a fairly
21 light agenda today. The first one, as you said, Item 4,
22 Committee Item B, Consideration Of A Revised Full Solid
23 Waste Facilities Permit For The Eastern Regional Materials
24 Recovery Facility In Placer County. And Sue O'Leary, who
25 supervises that section, will make the presentation.

1 NORTH CENTRAL SECTION PERMITTING & INSPECTION

2 BRANCH SUPERVISOR O'LEARY: Good morning.

3 Thank you, Howard.

4 The proposed permit is for the revision of the
5 February 2000 Solid Waste Facility Permit for the Eastern
6 Regional Material Recovery Facility. The facility is
7 owned and operated by the Placer County Department of
8 Facility Services. The proposed permit includes the
9 following changes:

10 An increase in daily tonnage from 600 tons per day
11 to 800 tons per day;

12 Also it will be updating the operator's name on
13 the permit. It will be changed to the Placer County
14 Department of Facility Services;

15 And finally, the permit will be adjusted to adjust
16 the permanent boundaries of the material recovery facility
17 and transfer station to include the existing wood waste,
18 inert, and metals processing and storage areas, and also
19 it will incorporate the new Transfer Process Report, TPR,
20 dated February 2005.

21 Board staff have reviewed the proposed permit and
22 supporting documentation and have determined that all
23 requirements for the proposed permit have been fulfilled.
24 On December 7th, 2005, Board staff performed a pre-permit
25 inspection of the facility and found no violations. As

1 indicated within the summary table of the Board's findings
2 on Page 4-3 of the agenda item, the proposed permit for
3 the facility is in conformance with PRC Section 50001.
4 The TPR's completeness is adequate and acceptable, and the
5 environmental document is adequate for the proposed
6 project.

7 In conclusion, Board staff recommends concurrence
8 in the issuance of the proposed permit and adoption of
9 Resolution Number 2006-03.

10 This concludes staff presentation, and with us
11 here today are Mr. Eric Oddo and Ms. Chris Hanson
12 representing the operator, and if you have any questions,
13 they are here to answer those questions.

14 CHAIRPERSON MULÉ: Thank you.

15 Do you have any questions on this one?

16 COMMITTEE MEMBER PEACE: No.

17 CHAIRPERSON MULÉ: Okay. I have no questions, but
18 I would like to thank you for being in attendance today.
19 We appreciate it.

20 Do I have a motion?

21 COMMITTEE MEMBER PEACE: I would like to move
22 Resolution Number 2006-03.

23 CHAIRPERSON MULÉ: I will second that.

24 And Donnell, would you call the roll.

25 SECRETARY DUCLO: Members Peace?

1 COMMITTEE MEMBER PEACE: Aye.

2 SECRETARY DUCLO: Mulé?

3 CHAIRPERSON MULÉ: Aye.

4 And we have approval of that. We will put that on
5 consent.

6 Thank you, Sue.

7 Our next item is Committee Agenda Item C, Board
8 Agenda Item 5. Howard.

9 DEPUTY DIRECTOR LEVENSON: Thank you, Madam Chair.

10 Item C is Consideration Of A Revised Full Solid
11 Waste Facilities Permit For The John Smith Road Landfill
12 In San Benito County. And as you know, this is a rather
13 complex item. We've had several issues related to
14 long-term gas violations and also to adequacy of a closure
15 plan. As John will explain, we are not quite in a
16 position today to make a full recommendation. What we
17 will end up doing is recommending that this be forwarded
18 to the Board next week with the intent of working out the
19 final issue prior to that time. With that, I will turn it
20 over to Jon Whitehill.

21 MR. WHITEHILL: Good morning.

22 CHAIRPERSON MULÉ: Good morning.

23 MR. WHITEHILL: The John Smith Road Landfill is
24 located about five miles southeast of the city of
25 Hollister in San Benito County. The landfill is owned and

1 operated by the County Integrated Waste Management
2 Department. The landfill is currently permitted for a
3 peak of 500 tons per day and an annual average of 250 tons
4 per day. And the site currently receives an average of
5 less than 200 tons per day.

6 The proposed changes associated with this permit
7 revision include the removal of the average tonnage
8 restriction, leaving only the peak tonnage which includes
9 everything across the gate, including recycled materials
10 and burned materials.

11 Also associated with this revision is the
12 installation of outbound scales to better monitor tonnage
13 at the landfill. The LEA held an Assembly Bill 1497
14 public hearing, as required, on December 6th, 2005, and
15 there were no public comments submitted on this pertinent
16 revision.

17 At the time the agenda item was being prepared,
18 there were two key issues affecting staff's
19 recommendation. Those were landfill gas migration and the
20 closure/post-closure maintenance plan.

21 The first, landfill gas, on October 26th, 2004,
22 the John Smith Road Landfill was added to the inventory of
23 facilities violating state minimum standards, and that was
24 for off-site migration of landfill gas. At that time the
25 operator complied with the requirements of that regulation

1 and made findings that there were no imminent threats to
2 public health safety or the environment.

3 In addition, the operator has submitted a
4 remediation and contingency plan, and it is in compliance
5 with the Notice and Order issued by the LEA. It has made
6 significant progress towards compliance. In fact, they've
7 had a few months where they had landfill gas below the 5
8 percent methane level. However, monitoring completed in
9 December shows that one of the probes may have crept back
10 up to the 5 percent level of regulatory concern.

11 On December 17th, 2005, the Board's long-term gas
12 violation regulations became effective. These regulations
13 take into account the length of time it would take to
14 correct this type of violation and allow the Board to
15 concur in the issuance of a permit, even when a gas
16 migration violation exists, but only if the Board can make
17 nine specific findings.

18 At the time that the changes to this permit were
19 first proposed, it was not known exactly when the
20 regulations would become effective or when the landfill
21 would come into compliance. So the current package was
22 prepared in order to meet the nine findings. The Board
23 has also met those nine findings.

24 The second issue is the closure/post-closure
25 maintenance plan. The regulations require the closure

1 plan to not only be deemed as complete, but that they be
2 found to be consistent with certain state minimum
3 standards of the closure regulations prior to concurrence
4 in the issuance of a permit. And some Board staff have
5 determined that there were several inconsistencies with
6 the closure plan at the time that the permit was
7 submitted. Operator has since addressed those
8 inconsistencies with the exception of one item, and that's
9 information needed to determine consistency with the final
10 cover slope stability requirements. This information is
11 expected to be submitted later this week, in time to make
12 this finding prior to the Board meeting.

13 In summary, Board staff have made all other
14 required findings but cannot yet recommend concurrence of
15 issuance of the proposed permit pending the receipt and
16 review of the updates of the closure and post-closure
17 maintenance plan. Upon receipt and review of the plans,
18 Board staff is prepared to recommend adoption of Board
19 Resolution Number 2005-04 concurring -- sorry, it's 2006,
20 concurring with the issuance of Solid Waste Facilities
21 Permit Number 35-AA-0001.

22 The LEA and operator are here to answer any
23 questions you might have.

24 CHAIRPERSON MULÉ: Thank you, Jon.

25 Do you have any questions?

1 COMMITTEE MEMBER PEACE: One person had said that
2 they did a pre-permit inspection on December 14th and that
3 the landfill gas was found to be above 5 percent. Have we
4 done another inspection? Was that the last time that
5 the --

6 MR. WHITEHILL: Yeah, that was the last time that
7 Board staff inspected the site. The landfill has been
8 conducting weekly monitoring of the landfill, just as they
9 are fine tuning the gas collection system. And some of
10 the results since then have shown that they are back down
11 below 5 percent again, but we want to wait a couple of
12 months to make sure.

13 COMMITTEE MEMBER PEACE: So is this facility then
14 still on the inventory?

15 MR. WHITEHILL: Yes, it is. As we were preparing
16 to remove it from the inventory, we got those results that
17 showed it might be creeping back up to 5 percent again,
18 but if they stay below the 5 percent, we expect to remove
19 them from the inventory either later this month or early
20 next month.

21 COMMITTEE MEMBER PEACE: Should it be a concern to
22 us that in October or November when the LEA checked the
23 probes that they were compliant, and then in December when
24 we checked them, they weren't compliant?

25 MR. WHITEHILL: I don't think so. The operator

1 had two of their consultants out there those two months,
2 and they did side-by-side calibration of their instruments
3 to make sure that their results were accurate. And then
4 the first indication that they were above 5 percent in
5 December actually came from the operator. So it was their
6 own results that first alerted us that they might be above
7 5 percent.

8 COMMITTEE MEMBER PEACE: Thank you.

9 CHAIRPERSON MULÉ: Thank you.

10 And Howard, we do expect to have the Slope
11 Stability Report?

12 DEPUTY DIRECTOR LEVENSON: Yes. And I think the
13 operator would be here to attest that, but my
14 understanding is that we will have a submission on the
15 slope stability analysis on Thursday or so, which would
16 give us time to review it and then be ready for next
17 Tuesday's Board meeting.

18 CHAIRPERSON MULÉ: Well, then with the Committee's
19 concurrence, we would like to defer this to the Board.
20 Okay. That's what we will do.

21 Thank you.

22 Our next item is Committee Item D, Board Agenda
23 Item 6.

24 DEPUTY DIRECTOR LEVENSON: Item D -- and you
25 should have a revised agenda item and a revised

1 resolution. This is Consideration Of A New Full Solid
2 Waste Facilities Permit (Large Volume Construction And
3 Demolition/Inert Debris Processing Facility) For SANCO
4 Resource Recovery in San Diego. And Suzanne Hambleton
5 who's the supervisor for that section in Southern
6 California will be making this presentation.

7 SOUTHERN SECTION PERMITTING & INSPECTION BRANCH
8 SUPERVISOR HAMBLETON: Good morning.

9 CHAIRPERSON MULÉ: Good morning.

10 SOUTHERN SECTION PERMITTING & INSPECTION BRANCH
11 SUPERVISOR HAMBLETON: I'm making this presentation for
12 Tad Gebrehawariat, who could not be here today.

13 The San Diego LEA is represented today by Ms. Pam
14 Raptis and has requested Board concurrence in the proposed
15 permit for the facility located in Lemon Grove. The
16 facility will be operated by SANCO Services. And
17 Ms. Victoria Tobiason, vice president, is also in
18 attendance here today.

19 The facility is located on a total permitted area
20 of 3.51 acres. Materials to be processed include
21 concrete, asphalt, paving and roofing materials,
22 non-treated lumber and gypsum board, rock/soil/fines,
23 carpet and padding, cardboard, metals, and residual. The
24 facility will have a permitted maximum combined
25 material --

1 CHAIRPERSON MULÉ: Excuse me. We have a technical
2 difficulty up here. So what we are going to do is we are
3 going to take a break. If you just want to recess for a
4 few minutes while we get this straightened out.

5 SOUTHERN SECTION PERMITTING & INSPECTION BRANCH
6 SUPERVISOR HAMBLETON: Sure.

7 CHAIRPERSON MULÉ: Thank you.
8 (Thereupon a recess was taken.)

9 CHAIRPERSON MULÉ: Okay. We're back. We can
10 continue. Thank you so much for your patience. Perhaps
11 we should start over, if you don't mind. Thank you so
12 much. We appreciate your patience.

13 SOUTHERN SECTION PERMITTING & INSPECTION BRANCH
14 SUPERVISOR HAMBLETON: Good morning. The San Diego LEA,
15 represented today by Pam Raptis, has requested Board
16 concurrence for the proposed permit located in Lemon
17 Grove -- for the permit facility located in Lemon Grove.
18 The facility will be operated by SANCO Services.
19 Ms. Victoria Tobiason, vice president, is in the audience
20 today as well.

21 The facility is located on a total permitted
22 acreage of 3.1 -- sorry, 3.5 acres. Processing will take
23 place on 2.1 acres. Materials to be processed include
24 concrete, asphalt, painting and roofing materials,
25 non-treated lumber, gypsum board, rock/soil/fines, carpet

1 and padding, cardboard, metals, and residue. The facility
2 will have a maximum permitted combined material tonnage of
3 a thousand tons per day.

4 The City of Lemon Grove Community Development
5 Department, acting as lead agency, prepared and circulated
6 the mitigated negative dec for this project. On
7 November 17th, 2005, the LEA held a public hearing as
8 required by the recent construction, demolition, and inert
9 debris processing regulations. Six people attended the
10 meeting. The LEA explained the purpose of the meeting and
11 provided attendees with a draft version of the proposed
12 permit. At the time the item was written, the
13 documentation submitted by the LEA did not contain a fire
14 prevention control and mitigation plan. Since that time
15 we have received an adequate plan.

16 Staff of the Board's Local Assistance Office
17 reported that an agenda item to amend the nondisposal
18 facility element for the City of Lemon Grove to include
19 the facility is scheduled to be considered tomorrow at the
20 Sustainability and Market Development Committee and to the
21 Board on January 17th. All other requirements have been
22 met.

23 And so at this time staff recommend the Board
24 concur in Resolution 2006-05 revised, submitted by the
25 LEA, and that the nondisposal facility element is also

1 approved by the Board. This concludes my presentation.

2 The LEA would like to make a short presentation. However,
3 if you have questions --

4 CHAIRPERSON MULÉ: Why don't we hear the LEA
5 first. Thank you.

6 MS. RAPTIS: Good morning. I'm Pamela Raptis with
7 the County of San Diego Local Enforcement Agency. And I
8 would like to thank Madam Chair Mulé, Ms. Peace, and
9 Assemblywoman Ms. Wiggins for your time and attention to
10 this permit.

11 As you know, this is one of the first large-volume
12 construction, demolition, and inert processing facilities
13 that's been built from basically ground up. The building
14 is in place, but all the design work, all the
15 construction, and all the placement of equipment will be
16 brand new, based upon the permit conditions that the LEA
17 is placing upon this facility as well as all the
18 conditions that have been placed by the building
19 department, planning department, and the fire department.
20 So this facility is going to be built to meet the
21 requirements of all of the fire codes, all the uniform
22 building codes, electrical codes, and terms and conditions
23 that the Integrated Waste Management Board feels is
24 appropriate for such a facility.

25 We ask that you support concurrence on this with

1 the caveat that you also approve the non-disposable
2 facility element on the 17th for the City of Lemon Grove.
3 We may move forward with this. We will be working with
4 the Air Pollution Control District and Regional Water
5 Control Board to ensure that all other regulatory agencies
6 within the State of California and local agencies meet
7 those requirements as well.

8 This facility has been working for the past 18
9 months in its planning phases. We've gone through some
10 revisions on a Mitigated Negative Declaration, working
11 with the City of Lemon Grove, and when we had our public
12 hearing we extended the area for that public hearing to
13 include more of the residential area around it. And in
14 fact we had several residents come to our public hearing
15 as well as some of the competition for the SANCO facility
16 come to that public hearing. After we had an opportunity
17 to present the recycling ability, the diversion, and the
18 benefits to the County of San Diego's residents, not just
19 for the City of Lemon Grove, we gained support from the
20 residents as well as, of all things, our competition for
21 this facility.

22 So as an LEA we're very excited that this facility
23 has been presented in such a manner as to meet all codes,
24 terms and conditions for the regulations and will be
25 operated by the facilities operator in complete compliance

1 with those regulations. The LEA will be conducting its
2 monthly inspections, and as you have seen with the city as
3 well as the county LEAs, we have no problems issuing out
4 all Notices and Orders in order to guarantee compliance
5 with these types of facilities.

6 So again, we ask for your support and concurrence
7 on this, and I know we can't go on consent, but we look
8 forward to next Tuesday on the 17th, presenting this for
9 your benefit.

10 Thank you.

11 Do you have any questions on the facility?

12 CHAIRPERSON MULÉ: Thank you, Pam. I think we
13 have some questions, so don't go too far.

14 Thank you.

15 COMMITTEE MEMBER PEACE: I have a few questions.
16 The proposed permitted traffic, you get 1,268 PCE. How
17 did you come up with that number?

18 MS. RAPTIS: During the traffic study that was
19 done by the City of Lemon Grove, they used a base of what
20 had been brought into the previous recycling facility at
21 this location and then looked at the types of vehicles
22 would be bringing in the volumes of materials. A big
23 chunk of the PCEs are going to be larger vehicles, the two
24 and four PCE-type of vehicles. We are not going to be
25 seeing a lot of small mom-and-pop type of vehicles, so

1 they did a study on the volumes, the traffic that Federal
2 Boulevard could handle. The entrances and exits off of
3 Federal Boulevard are directly off of Interstate 94, so we
4 have adequate abilities to bring these types of vehicles
5 onto this thoroughfare. The SANCO facility is required to
6 do some upgrades to 94 as far as some grading and better
7 drainage in front of their facility, which will also
8 improve the ability of the vehicles to move in and out.

9 COMMITTEE MEMBER PEACE: Are you going to be
10 required to do any kind of road improvements on any of the
11 Federal?

12 MS. RAPTIS: There's not, because the City of
13 Lemon Grove does not have an ordinance requiring when a
14 facility upgrades that they be an active participant in
15 the upgrading of the roads. That was a question that was
16 asked at our public hearing.

17 The City of Lemon Grove is looking at modifying
18 their ordinances which will bring the businesses more
19 actively involved in the infrastructure for the City. But
20 as of now, they do not have an ordinance that could allow
21 it or require it.

22 COMMITTEE MEMBER PEACE: That road isn't in all
23 that great a shape, but cars going through, and the
24 residents are right there, backed up to it?

25 MS. RAPTIS: Yes, they are.

1 COMMITTEE MEMBER PEACE: So this almost 1300 cars,
2 this is additional traffic into what is already going
3 there?

4 MS. RAPTIS: No. There is an additional, about
5 560 additional vehicles compared to what had been going
6 in, so this is a total volume of going in. We had an
7 addition to what the baseline had already been going into
8 the facility, so this is a total, but that's not an
9 additional amount coming in. And that was in the
10 Mitigated Negative Declaration was how it was discussed,
11 so we have the numbers of the permit or the maximum amount
12 that are allowed into the facility. The traffic study
13 looked at the additional impact, which is not an
14 additional 1200 vehicles, but about 580 vehicles.

15 COMMITTEE MEMBER PEACE: That is what I was going
16 to ask too. On a Mitigated Negative Dec, that was all
17 that was needed for additional 1300 cars and you're saying
18 it wasn't an additional?

19 MS. RAPTIS: It's not an additional nearly 1300.
20 This is the total that is being permitted and allowed into
21 it, but the addition to the street is under 600.

22 COMMITTEE MEMBER PEACE: Then it says, "All
23 potentially significant impacts were reduced to less than
24 significant after incorporation of mitigation measures."
25 What were those mitigation measures?

1 MS. RAPTIS: Most of the mitigation -- the impacts
2 were mostly with noise, which was going to be an issue for
3 the neighbors. We also had the Air Quality Control
4 Resources, which has since been mitigated out with a
5 drainage issue. The mitigation measures, the most that
6 are being involved with is when vehicles are allowed to
7 enter to bring materials on site for tipping. We have
8 restrictions on the times they are allowed to come in.

9 Also we are restricting the amount of times when
10 the doors can be open. Certain doors at the facility can
11 only be open during certain periods of time. And after
12 10:00 a.m. until 5:00 p.m. -- excuse me. From 10:00 p.m.
13 to 5:00 a.m. all of the doors of the facility must
14 remained closed, so they can process inside, but for air
15 quality and for noise, those doors are all going to be
16 closed.

17 COMMITTEE MEMBER PEACE: What do you do for air
18 quality for those additional 500 cars? Is there anything
19 that would mitigate --

20 MS. RAPTIS: That was studied. The traffic
21 engineer that did the study on it felt that that was not
22 an impact, and the City of Lemon Grove agreed with that
23 and adopted it as such.

24 COMMITTEE MEMBER PEACE: Did the City of San Diego
25 ever have to do anything, because they are, like, right

1 there and the facility is here and Lemon Grove comes up to
2 here and San Diego is, like, here. Does San Diego have
3 any --

4 MS. RAPTIS: The City of San Diego was given a
5 copy of the Mitigated Negative Declaration and was allowed
6 to comment during the 30-day period of time. My
7 understanding is that they did not have any significant
8 comments negative to the project.

9 COMMITTEE MEMBER PEACE: Those are all the
10 questions I have.

11 CHAIRPERSON MULÉ: Okay. I just have a question
12 and I'm not sure, Pam, if you can answer this, or if this
13 is a staff question. It's regarding the fire plan. In my
14 mind, there is a fire plan that was submitted, but my
15 understanding is it has not yet been approved by the fire
16 marshal; is that correct?

17 MS. RAPTIS: Because the facility has not even
18 been completely designed as of yet, a conceptual plan has
19 been submitted to the Lemon Grove Fire Department to the
20 fire marshal. It has been initially reviewed and accepted
21 by the fire marshal. Our final plan will be recapped,
22 modified if we need to, and finally approved at the time
23 of final construction.

24 In order for this facility to be operated, the
25 City of Lemon Grove must issue out what is known as a

1 Certificate of Occupancy, so there are final inspections
2 that will be done by the building department, community
3 development, as well as the fire department. The LEA, in
4 discussions with the fire department, has requested joint
5 final inspections prior to the issuance of the Certificate
6 of Occupancy.

7 At that point we will know exactly what the final
8 layout will be. We will have a better idea of
9 transportation coming in and feedstock. There are
10 discussions of what materials will be coming in and we
11 will modify with the fire department the Fire Prevention
12 Control and Mitigation Plan. At that time it will be
13 resubmitted in as an amendment to the report, the
14 Construction, Demolition, and Processing Report. We do
15 anticipate that this final report as is being presented
16 with the project will be amended prior to occupancy.

17 Again, this is the first facility of its type
18 coming from ground up. And when you start looking at the
19 types of equipment that's being utilized and what we are
20 trying to achieve, that design has been modified already,
21 and there are still pieces of equipment that we don't know
22 are going to be going in and how the final layout will be.
23 Until we can come up with that, we are really looking at a
24 plan that we suspect will work. We've done a lot of work
25 with the applicant as well as with the City of Lemon Grove

1 to be as accurate as possible.

2 We cannot guarantee that this will be exactly the
3 way it's going to be set, so we will be submitting in
4 amendments at that time. We are requesting that the Solid
5 Waste Facilities Permit be allowed to be issued out so
6 that we can move forward with some of the other permits.

7 We reached a catch-22 situation with some of the
8 cities in they won't issue out a construction permit, or
9 they won't issue out certain types of local permits unless
10 a Solid Waste Facilities Permit has already been issued.
11 So, you know, we do have a catch-22. And what we are
12 requesting is that you as Integrated Waste Management
13 Board, with your history of working with us as the LEA,
14 accept that we will be working with these departments. We
15 will ensure full compliance on the day that they open and
16 bring in the first load of materials for processing.

17 CHAIRPERSON MULÉ: Okay. So then is my
18 understanding then that you will submit the amended plan
19 to the Board as well?

20 MS. RAPTIS: That is correct. If the plan needs
21 to be amended prior to the material being brought on site
22 for processing, we will submit to the Integrated Waste
23 Management Board and request approval. We have 30 days
24 prior to that type of change to get that material up to
25 Waste Board and they have 30 days to review it. So we

1 will ensure that is done.

2 CHAIRPERSON MULÉ: Okay. So that information will
3 be submitted to the Board for review by staff?

4 MS. RAPTIS: That is correct.

5 CHAIRPERSON MULÉ: By staff counsel?

6 DEPUTY DIRECTOR LEVENSON: Yes. And this
7 arrangement is satisfactory to staff. And I want to
8 reiterate and thank Pam for a very clear explanation.

9 We have worked with the LEA and the operator to
10 make sure that the requirement for the Fire Prevention
11 Plan is met and the fact that they have gone and met with
12 and submitted to the fire department and received this
13 kind of conditional approval is satisfactory to us, and we
14 understand that this will require some further amendments
15 to the General Report of Facility Information, the CBI
16 report, and we will work with the LEA and the operator on
17 that.

18 COMMITTEE MEMBER PEACE: I have one more question,
19 Howard. Once the final Fire Prevention Plan is submitted
20 and approved, do we look at compliance with that when we
21 do our inspections? Or is that left up then to the LEA
22 and fire marshal?

23 DEPUTY DIRECTOR LEVENSON: Well, the LEA is going
24 to be conducting monthly inspections, as Ms. Raptis
25 indicated. We would not be conducting an inspection of

1 this facility at this point because we only are required
2 to conduct the 18-month inspections of landfills. If they
3 needed some assistance from us, or in their summaries we
4 conduct a joint inspection, we certainly can do that, but
5 at this point it would be reliance upon the LEA to conduct
6 the monthly inspections and we will be reviewing those
7 inspection reports.

8 COMMITTEE MEMBER PEACE: So the fire marshal, once
9 they approve the plan, they don't -- do they go around and
10 inspect to make sure you are complying, or does the LEA?

11 MS. RAPTIS: The LEA will be conducting monthly
12 inspections. The Lemon Grove Fire Department conducts a
13 minimum of an annual inspection of all of the commercial
14 industrial facilities within its jurisdiction. We do work
15 with the fire agencies within our jurisdictions. We work
16 with the different fire marshals as well as the fire
17 chiefs. We do hold communications with them. I will say
18 that the LEA does not tell the fire department how to
19 fight a fire. But we do work with them on what the
20 regulations are requiring, and we help them to make sure
21 that they understand through guidelines that we are there
22 to assist them.

23 This particular fire department has not had to
24 deal with a fire at a MRF as of yet, thank goodness. We
25 do have other fire agencies within San Diego County that

1 have done fires at MRFs, although this is not a standard
2 MRF, that many of the same types of conditions would
3 apply. There is a mutual aid agreement with the City of
4 Lemon Grove Fire Department and those other fire agencies.
5 If they needed assistance, they could call in other fire
6 agencies or fire marshals that have dealt with this in
7 case of that emergency, if they needed the extra
8 assistance.

9 DEPUTY DIRECTOR LEVENSON: If I could just add one
10 more piece of information. As you know, we have this
11 requirement in the Construction, Demolition, and Inert
12 Debris Processing Regulations. We are looking -- we have
13 been working with the State Fire Marshal more generally on
14 the issue of coordinating fire prevention plans and
15 response plans between operators, LEAs, and local fire
16 districts. We've had three workshops in November up and
17 down the state on that particular issue, and our next step
18 on that is to go back and meet with the fire marshal and
19 see -- it was his intent at one point to modify the State
20 Fire Code or the State Fire Regulations to incorporate
21 more requirements regarding fire prevention plans for
22 solid waste facilities, and we need to follow up on that.

23 COMMITTEE MEMBER PEACE: I just have one more
24 question to staff. Since this was submitted on
25 December 5th and all the holidays, do you feel like you

1 had adequate time to really review this?

2 DEPUTY DIRECTOR LEVENSON: Yes, we do.

3 COMMITTEE MEMBER PEACE: Okay. Thank you.

4 DEPUTY DIRECTOR LEVENSON: Thank you.

5 CHAIRPERSON MULÉ: Okay. With that, any further
6 questions?

7 Do I have a motion?

8 COMMITTEE MEMBER PEACE: I would like to move
9 Resolution Number 2006-05, revised.

10 CHAIRPERSON MULÉ: And I will second that.

11 Donnell, would you call the roll, please.

12 SECRETARY DUCLO: Members Peace?

13 COMMITTEE MEMBER PEACE: Aye.

14 SECRETARY DUCLO: Mulé?

15 CHAIRPERSON MULÉ: Aye.

16 And this can be placed on the consent agenda,
17 condition upon approval of the MBIP. It will be heard at
18 tomorrow's Sustainability and Market Development Committee
19 with Mark Feltman. Okay?

20 DEPUTY DIRECTOR LEVENSON: Thank you very much.

21 CHAIRPERSON MULÉ: Thank you. Our final item
22 today is --

23 COMMITTEE MEMBER PEACE: I just want to say one
24 thing to the County LEA. I am still trying to get your
25 county to apply for one of our tire enforcement grants.

1 MS. RAPTIS: We have talked to our Board of
2 Supervisors and we would be more than happy to be an
3 active participant with the Waste Board on that.

4 COMMITTEE MEMBER PEACE: Okay. I'm going to do
5 it.

6 CHAIRPERSON MULÉ: Okay. Our final item is
7 Committee Item E, Board Agenda Item 7.

8 Howard.

9 DEPUTY DIRECTOR LEVENSON: Okay. This is
10 Consideration Of Approval Of Scope Of Work For Assessment
11 Of Landfill Gas Monitoring Well Viability And Its Effect
12 On Greenhouse Gas Emissions. John Bell will be making
13 this presentation. John will reiterate this, but I do
14 want to indicate that this is part of the Technology
15 Assessment Action Plan, which reflects on the Board's
16 ongoing priorities. Executive Director Leary has reported
17 on this several times. And this particular concept was
18 approved by the Board at its September Agenda Item for
19 Action Plan Related Contract Concepts. We do have an
20 exciting video for you as part of this agenda. Let's
21 start the new year off with videos. With that, I will
22 turn it over to John Bell.

23 MR. BELL: Thank you. Good morning.

24 CHAIRPERSON MULÉ: Good morning.

25 MR. BELL: This agenda item, as Howard said, is

1 about the approval of the scope of work for assessing the
2 functionality of landfill gas monitoring systems, and then
3 the data from that can be used to see the effect on
4 greenhouse gas and maybe these systems are not functioning
5 or functioning.

6 As a history, this item was heard during the
7 Board's April 2005 meeting. And in September 2005 in
8 Agenda Item 41 the Board approved the contract concept for
9 this scope of work as part of its Technology Assessment
10 Action Plan.

11 So this contract will provide critical field data
12 to estimate the statewide level of functionality of
13 existing landfill gas monitoring probes. Such data is
14 needed because little is known about how these probes hold
15 up over time, and there's virtually no existing data for
16 verifying the proper construction of these probes.

17 Landfill gas, if it migrates undetected past the
18 property boundaries, can pose a very serious threat to the
19 public health, safety, and the environment. A
20 nonfunctional probe can allow undetected migration to take
21 place while giving a false sense of security to operators
22 and local enforcement agencies that monitor them.

23 This contract will also assist the California
24 Energy Commission in refining its greenhouse gas emission
25 models at landfills and a significant undetected level of

1 migration may modify these models. So the examples of the
2 kind of work that we will do will be collecting and
3 evaluating the data from the existing monitoring probes.
4 In other words, they sat there for over years, hopefully,
5 and one thing you look for there, say you have years of
6 good data and all of a sudden there is no levels of
7 methane at all. There might be some problem with the
8 probe.

9 So we will be looking at existing data and then
10 collecting and evaluating probe design and construction
11 data where it exists, and then recording and evaluating
12 all of the parameters related to the actual probes when
13 they are visited during the study. And then most
14 importantly, a video board monitoring will be done of each
15 probe. Now, that's what our little movie will be about.

16 This is about the size of a standard probe. There
17 will be, like, usually three of these, sometimes four,
18 sometimes two, inside of a well with backfilled material
19 around them, and so we will be going down the inside of
20 one of these. It will be like going down a tunnel, and
21 remember, this is white. This material is white, so it
22 will look black and white. The video is actually in
23 color. And at first it's kind of washed out on the big
24 screen, but on your little screens, it should look pretty
25 good. Then we will approach a level of water that is in

1 the probe. And I'll have Sue cue it up, and let's see
2 what it looks like.

3 (Thereupon a video was played.)

4 MR. BELL: So here's this probe. It's about 8
5 millimeters in diameter, about a third of an inch in
6 diameter with a 70 degree lens on it and a fiberoptic
7 light source. And we are sliding down. We can tell the
8 exact depth of a probe by telling the depth of the cable.

9 Now we are approaching the water. You can see
10 there is sort of a meniscus that is reflecting back the
11 light. And then we are going to go below the water,
12 backing up for a second. You can see the detail and you
13 can see if there is anything wrong or plugged in this
14 probe. So now we are going below the level of the surface
15 of the water, and we will be seeing here in a minute a
16 couple of other details.

17 There, that's the joint where two pieces of PVC
18 are joined together, and now you will see a slot in a
19 moment which allows the landfill gas to come in. There's
20 one slot, backing up. It's just a little cut that's been
21 made in the pipe in this case. And then dropping down,
22 there's another slot.

23 Okay. That should be it. And so that gives you
24 an idea of the detail that you can see on these things.

25 Can you turn that off?

1 Thanks.

2 The slots are about 9 inches apart, which is
3 probably not a good design, but the slots are all under
4 water, so this probe is totally nonfunctional, and yet
5 it's been monitored for several years and showing zero,
6 and yet it's not functioning, so that will hopefully give
7 us a good idea of what's going on throughout the state.

8 Now, all this data will then be used to generate a
9 Statewide Landfill Gas Monitoring Well Viability Report
10 and then a second report on the effect of lateral
11 migration on the greenhouse gas models. So in conclusion,
12 we will be competitively bidding this contract and expect
13 to bring an item for consideration of award of contract
14 back to the Board in May. So we recommend adoption of
15 Option 1, approving the scope of work as is and adopting
16 Resolution 2006-07.

17 That concludes my presentation.

18 Are there any questions?

19 CHAIRPERSON MULÉ: Thank you, John.

20 Questions from Member Peace?

21 COMMITTEE MEMBER PEACE: Just when it says we're
22 going to assist the California Energy Commission in
23 providing this model for the greenhouse gases, are they
24 going to be involved in this at all? Or are we just
25 getting the information and handing it over to them? Are

1 they going to be involved in it anymore?

2 MR. BELL: We will be handing it over to them in
3 the form of the report, and the report will show the tie,
4 the second report anyway, and I will be working with the
5 Energy Commission in producing this report.

6 DEPUTY DIRECTOR LEVENSON: And concurrently with
7 that, Ms. Peace, we are working on the Climate Change
8 Action Team with the Energy Commission. They are bringing
9 forth a contract to the Commission, I believe, February,
10 or it might be March, for a major study of the landfill
11 gas emission models in general, and we're doing some field
12 testing, and this will be plugged into that effort. I'm
13 not sure exactly when that's going to start. Probably it
14 will take several months after approval by the Commission,
15 but we have been working with the Energy Commission
16 through Judy Friedman and her leadership on the Action
17 Team to get that coordination accomplished.

18 COMMITTEE MEMBER PEACE: It also says it will
19 "target efforts to implement practices and technologies to
20 reduce landfill gas emissions." Can you give me an
21 example of what practices and technologies are available
22 to do that?

23 DEPUTY DIRECTOR LEVENSON: There are quite a few,
24 and we can certainly provide you with a lot more
25 information, and John could or Scott could give you more

1 detail. But we have -- there are flares, there are
2 landfill gas recovery systems that collect the gas and run
3 it through a turbine for energy production. We have other
4 practices related to cover which may -- as closure plans
5 are implemented and final caps are put on, that could
6 change emission rates. There's a number of different
7 practices related to those general areas.

8 COMMITTEE MEMBER PEACE: I thought maybe there was
9 some new technologies out there or something.

10 DEPUTY DIRECTOR LEVENSON: Well, that's --

11 COMMITTEE MEMBER PEACE: Other than --

12 DEPUTY DIRECTOR LEVENSON: There are possibly new
13 uses. For example, the workshop next week on landfill gas
14 to hydrogen will be looking at whether we can economically
15 and technically consider collection of landfill gas and
16 conversion into various hydrogen products. There are
17 other -- some of the industry companies are looking at
18 conversion into liquified natural gas. Santa Rosa has
19 got -- some of its landfill gas is already being converted
20 into CNG for use with its -- I think it's its bus fleet.
21 I'm not sure if it's the bus fleet or not. So there are a
22 lot of different potential allocations on the horizon.
23 Nothing radically new in the way of control technologies,
24 but rather in more of a sense of refinements.

25 COMMITTEE MEMBER PEACE: Thank you.

1 CHAIRPERSON MULÉ: Okay. Do I have a motion for
2 approval?

3 COMMITTEE MEMBER PEACE: I would like to move
4 Resolution Number 2006-07.

5 CHAIRPERSON MULÉ: Second.
6 Would you call the roll, Donnell.

7 SECRETARY DUCLO: Members Peace?

8 COMMITTEE MEMBER PEACE: Aye.

9 SECRETARY DUCLO: Mulé?

10 CHAIRPERSON MULÉ: Aye.

11 And this can go on consent as well.

12 With that, we have completed our agenda.

13 Is there anyone from the public that wishes to
14 address the Committee?

15 With that, this meeting is adjourned.

16 Thank you.

17 (Thereupon the California Integrated Waste
18 Management Board, Permitting and Enforcement
19 Committee meeting adjourned at 11:07 a.m.)
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1 CERTIFICATE OF REPORTER

2 I, KATHRYN S. KENYON, a Certified Shorthand
3 Reporter of the State of California, do hereby certify:

4 That I am a disinterested person herein; that
5 the foregoing California Integrated Waste Management
6 Board, Permitting and Enforcement Committee meeting was
7 reported in shorthand by me, Kathryn S. Kenyon, a
8 Certified Shorthand Reporter of the State of California,
9 and thereafter transcribed into typewriting.

10 I further certify that I am not of counsel or
11 attorney for any of the parties to said workshop nor in
12 any way interested in the outcome of said workshop.

13 IN WITNESS WHEREOF, I have hereunto set my hand
14 this 20th day of January, 2006.

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23 KATHRYN S. KENYON, CSR

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